

87th Legislative Session – 2012

Committee: Senate Commerce and Energy

Tuesday, January 31, 2012

P - Present
E - Excused
A - Absent

Roll Call

P Adelstein
P Buhl
P Johnston
P Lederman
P Rave
P Nygaard, Vice-Chair
P Nelson (Tom), Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Vice-Chair, Senator Eldon Nygaard.

MOTION: TO APPROVE THE MINUTES OF THURSDAY, JANUARY 26TH

Moved by: Rave
Second by: Johnston
Action: Prevailed by voice vote.

SB 109: revise the definition of adjusted gross proceeds that are subject to the Deadwood gaming gross revenue tax.

Presented by: Senator Thomas Nelson

MOTION: DEFER SB 109 TO THE 36TH LEGISLATIVE DAY

Moved by: Rave
Second by: Johnston
Action: Prevailed by roll call vote. (5-1-1-0)

Voting Yes: Adelstein, Johnston, Rave, Nygaard, Nelson (Tom)

Voting No: Buhl

Excused: Lederman

SB 115: implement the regulation of insurance coverage for portable electronic devices.

Presented by: Senator Thomas Nelson

Proponents: Mike Shaw, Asurion

Comments by Merle Schreiber, Division of Insurance

MOTION: AMEND SB 115

115sa

On page 4, line 4, of the printed bill, after "refund" insert "or credit".

On page 9, line 19, after "violates" delete "an" and insert "any".

Moved by: Adelstein

Second by: Lederman

Action: Prevailed by voice vote.

MOTION: DO PASS SB 115 AS AMENDED

Moved by: Rave

Second by: Lederman

Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Adelstein, Buhl, Johnston, Lederman, Rave, Nygaard, Nelson (Tom)

MOTION: PLACE SB 115 ON CONSENT CALENDAR

Moved by: Adelstein

Second by: Lederman

Action: Prevailed by voice vote.

SB 103: revise the procedure for cooperatives giving notice to persons whose records are missing regarding ownership of securities, apportionment of equity interest,

money, or property.

Presented by: Senator Shantel Krebs

Proponents: Greg Dean, SD Telecommunications Association
Brenda Forman, SD Association of Cooperatives
David Bordewyk, SD Newspaper Association (Handout #1)

MOTION: AMEND SB 103

103fa

On page 2, line 1, of the printed bill, overstrike "a".

On page 2, line 3, delete "week for two consecutive weeks".

On page 2, line 16, delete "a week for two consecutive weeks".

Moved by: Rave

Second by: Adelstein

Action: Prevailed by voice vote.

MOTION: DO PASS SB 103 AS AMENDED

Moved by: Adelstein

Second by: Rave

Action: Prevailed by roll call vote. (6-0-1-0)

Voting Yes: Adelstein, Buhl, Johnston, Rave, Nygaard, Nelson (Tom)

Excused: Lederman

SB 11: authorize the Governor's Office of Economic Development to create and administer a working capital loan program.

See previous testimony of Thursday, January 12th

Presented by: Cody Byrum, Governors Office of Economic Development

Proponents: Julie Johnson, Absolutely Aberdeen
David Owen, SD Chamber of Commerce and Industry
Curt Everson, SD Bankers Association

Opponents: Stanford Adelstein, self, Rapid City (Handout #2)

MOTION: AMEND SB 11

11ra

On page 1, line 7, of the Senate Commerce and Energy Committee engrossed bill, delete "grants and".

On page 2, line 14, delete "grants and".

On page 2, line 20, delete "or recoup a grant".

On page 3, line 1, delete "and grants".

On page 3, line 4, after "initiative loan" delete "or grant".

On page 3, line 4, after "the loan" delete "or grant".

On page 3, line 8, delete "or grant".

Moved by: Adelstein

Second by: Rave

Action: Prevailed by roll call vote. (4-2-1-0)

Voting Yes: Adelstein, Buhl, Johnston, Nygaard

Voting No: Rave, Nelson (Tom)

Excused: Lederman

MOTION: AMEND SB 11

11rd

On page 2, between lines 21 and 22 of the Senate Commerce and Energy Committee engrossed bill, insert:

" Section 5. That chapter 1-53 be amended by adding thereto a NEW SECTION to read as follows:

No loan may be made pursuant to the authority of this Act unless the loan constitutes less than ten percent of the working capital of the company or business enterprise to which the loan is being

made.".

Moved by: Adelstein
Second by: Buhl
Action: Failed by roll call vote. (2-4-1-0)

Voting Yes: Adelstein, Buhl

Voting No: Johnston, Rave, Nygaard, Nelson (Tom)

Excused: Lederman

MOTION: AMEND SB 11

11rc

On page 3, after line 8 of the Senate Commerce and Energy Committee engrossed bill, insert:

" Section 6. That chapter 1-53 be amended by adding thereto a NEW SECTION to read as follows:

There is created a Committee of South Dakota Works. The Governor may appoint up to seven members to consult with and advise the Governor's Office of Economic Development in performing the duties provided for in this Act. No grant may be made without the express approval of the committee. The members of the committee shall be appointed by the Governor for four-year terms of office so arranged that no more than three members' terms expire in any given year. Not all members may be from the same political party. The appointments are subject to the advice and consent of the Senate. The Governor shall designate the terms at the time of appointment. Any member appointed to fill a vacancy arising from other than the natural expiration of a term shall serve only the unexpired portion of the term.".

Moved by: Adelstein
Second by: Nelson (Tom)
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION AMEND SB 11

11ja

On page 3, after line 8 of the Senate Commerce and Energy Committee engrossed bill, insert:

" Section 6. That chapter 1-53 be amended by adding thereto a NEW SECTION to read as follows:

There is created a Committee of South Dakota Works. The Governor may appoint up to seven members to consult with and advise the Governor's Office of Economic Development in performing the duties provided for in this Act. No loan may be made without the express approval of the committee. The members of the committee shall be appointed by the Governor for four-year terms of office so arranged that no more than three members' terms expire in any given year. Not all members may be from the same political party. The appointments are subject to the advice and consent of the Senate. The Governor shall designate the terms at the time of appointment. Any member appointed to fill a vacancy arising from other than the natural expiration of a term shall serve only the unexpired portion of the term."

Moved by: Adelstein
Second by: Nelson (Tom)
Action: Failed by roll call vote. (2-4-1-0)

Voting Yes: Adelstein, Buhl

Voting No: Johnston, Rave, Nygaard, Nelson (Tom)

Excused: Lederman

MOTION: DO PASS SB 11 AS AMENDED

Moved by: Rave
Second by: Johnston
Action: Prevailed by roll call vote. (5-1-1-0)

Voting Yes: Adelstein, Johnston, Rave, Nygaard, Nelson (Tom)

Voting No: Buhl

Excused: Lederman

MOTION: AMEND TITLE OF SB 11

11jta

On page 1, line 2, of the Senate Commerce and Energy Committee engrossed bill, delete "and grant".

Moved by: Nelson (Tom)
Second by: Rave
Action: Prevailed by voice vote.

MOTION: ADJOURN

Moved by: Rave
Second by: Johnston
Action: Prevailed by voice vote.

Lois Henry
Committee Secretary

Eldon Nygaard, Vice-Chair